Supreme Court, U.S.
FILED
OCT 23 1992
OFFICE OF THE CLERK

No. 92-448

IN THE

Supreme Court of the United States

OCTOBER TERM, 1992

ALVAADER FRAZIER,

Petitioner,

vs.

THE STATE BAR OF CALIFORNIA,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF CALIFORNIA

REPLY BRIEF TO BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI

ARTHUR R. BLOCK
Counsel of Record for Petitioner
250 West 57th Street
Suite 317
New York, New York 10019
(212) 956-5550

Of Counsel:
ARTHUR R. BLOCK
MICHAEL A. HARDY
LAWRENCE A. GRIGSBY

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ARGUMENT

Point A of the Brief for Respondent in Opposition to Petition is entitled: "Both the United States District Court and the Ninth Circuit Court of Appeals Have Held That Petitioner Has Failed to Demonstrate Bias or Discrimination on the Part of the State Bar." This statement materially misrepresents the timing and substance of the referenced federal court rulings.

The district court held its hearing on petitioner's motion for a preliminary injunction on May 5, 1988. This was prior to the commencement of trial proceedings in the State Bar Court. Hence, the record before the district court and, of course, the record on appeal before the court of appeals, was solely based on pretrial events and rulings.

As a result of the district court's denial of the motion for a preliminary

injunction, the trial proceedings commenced in the State Bar Court on May 8, 1989. They continued intermittently for nearly eleven months, until March 21, 1990. None of the facts concerning the State Bar Court trial proceedings and the extensive motion practice during the course of the trial, e.g. the motions to disqualify the hearing referee and to dismiss the proceedings for highly prejudicial due process violations, have ever been considered by a federal court.

Several of grounds for the instant petition are based on these facts (see, e.g., Petition at 33-55). The respondent has substituted its misleading argument point for a substantive response to the heart of petitioner's argument. It is respectfully submitted that respondent's

avoidance of the central issues in this case is a further demonstration of the merit of the petition.

CONCLUSION

For the reasons set forth herein and in the Petition the writ should be granted.

Respectfully submitted,

Arthur R. Block
Counsel of Record
for Petitioner
250 West 57th Street
Suite 317
New York, NY 10019
(212) 956-5550

Of Counsel
Arthur R. Block
Michael A. Hardy
Lawrence A. Grigsby

October 22, 1992